

HOUSE BILL REPORT

HB 1294

As Passed House:

March 8, 2005

Title: An act relating to hearings for antiharassment protection orders.

Brief Description: Revising standards for antiharassment protection order hearings.

Sponsors: By Representatives Williams, Lovick, Priest, Flannigan and Serben.

Brief History:

Committee Activity:

Judiciary: 2/1/05 [DP].

Floor Activity:

Passed House: 3/8/05, 98-0.

Brief Summary of Bill

- Requires a petition for an anti-harassment protection order that does not allege a sex offense to make a prima facie case of harassment before the court may set a hearing on the petition.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

A person who is the victim of unlawful harassment may petition the court for a civil anti-harassment protection order against the alleged harasser. Unlawful harassment means a willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person and that has no legitimate purpose. The course of conduct must be of a type that would cause a reasonable person to suffer substantial emotional distress and must actually cause the petitioner to suffer substantial emotional distress.

A court may grant an ex parte temporary anti-harassment protection order and, after a full hearing, a longer-term anti-harassment protection order. Both orders require the respondent to refrain from engaging in harassment and may include provisions prohibiting the respondent from contacting the petitioner or from going within a certain distance of the petitioner's home

or workplace. A respondent who knows of and willfully disobeys an anti-harassment protection order is guilty of a gross misdemeanor.

A petition for an anti-harassment protection order must be accompanied by an affidavit that states the specific facts and circumstances of the alleged harassment. The court must order a hearing within 14 days upon receipt of the petition for an anti-harassment protection order.

If the petitioner seeks an ex parte temporary anti-harassment protection order, the petitioner must file an affidavit that shows reasonable proof of unlawful harassment and irreparable harm if the temporary order is not granted.

Summary of Bill:

A court may order a hearing on a petition for an anti-harassment protection order that does not allege a sex offense only if the petition alleges a prima facie case of harassment. A petition that alleges a sex offense does not need to make this prima facie showing in order for the court to set a hearing on the petition.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The anti-harassment protection order process differs from the domestic violence process in that it does not involve actual violence or people who are family members or intimate partners. Typically, anti-harassment orders involve things such as neighbor disputes or situations between an ex-boyfriend and ex-girlfriend. The bill does two things. First, in those isolated cases where there is an allegation of a sexual offense, the court can go ahead and enter a temporary order and set a hearing for a permanent order. Second, in cases where there is no allegation of a sex offense, if the court finds that there is no probable cause or reasonable showing of harassment, the court can deny the petition and doesn't have to set a second hearing on the matter.

Testimony Against: None.

Persons Testifying: Representative Williams, prime sponsor; and Judge Marilyn Paja, Washington District and Municipal Court Judges' Association.

Persons Signed In To Testify But Not Testifying: None.